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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,802	12/21/2001	Toshiaki Fujii	KAW 98-2018-C	5368
23413	7590	04/01/2004	EXAMINER	
CANTOR COLBURN, LLP 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			KEENAN, JAMES W	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 04/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/036,802

Applicant(s)

FUJII ET AL.

Examiner

James Keenan

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WJW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9 and 11-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9 and 11-32 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

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1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 9, 11-15, 24-28 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 9, line 3, "lower" should be --low--;

and last line --room-- should be inserted after "cleanliness".

In claim 11, line 2, --the-- should be inserted after "for".

In claim 14, line 3, --the-- should be inserted after "on".

In claim 24, lines 5-6, the recitation that the loader "transports the ... article between an inside of a container ... and the high cleanliness room" is not understood; the loader has no such functionality disclosed;

In claim 32, line 3, "the high cleanliness room" lacks antecedent basis;

and line 5, no structure is recited in which "an opening portion" would be disposed.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 9 and 11-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonora et al (US 5,895,191, previously of record) in view of Briner et al (US 5,810,537).

Bonora et al show the invention essentially as claimed, including a container for transporting articles, wherein the container is mounted on a loader which is disposed in a border portion between a high cleanliness room and a low cleanliness room, the loader including stage 116, door 110, opening portion 100 in wall 120, unifying means (col. 6, lines 57-60), and a driving apparatus (also see fig. 15).

Bonora et al do not explicitly state whether the high cleanliness room has a pressure higher than that of the low pressure room.

Also, Bonora et al do not show the loader in the low cleanliness side of the border or to have a gap between the opening portion and the door.

Briner et al show a similar apparatus including loader 10 having stage 12, container 36 having cover 38, and door 26 in an opening portion of a wall 24 that separates a low cleanliness room from a high cleanliness room, wherein the loader is disposed in the low cleanliness room, the high cleanliness room has a higher pressure than the low cleanliness room, and a gap is provided between the door and the opening portion through which air flows out from the high cleanliness room (col. 5, lines 3-19).

It would have been obvious for one of ordinary skill in the art at the time of the invention to have modified the apparatus of Bonora et al by disposing the loader in the low rather than high cleanliness room, pressurizing the high cleanliness room relative to the low cleanliness room, and utilizing a gap between the opening portion and the door,

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as suggested by Briner et al, as this is specifically disclosed as preventing contamination from flowing into the high cleanliness room.

Re claim 11, the use of a cover for the loader is considered a mere design expediency for safety, cleanliness, etc. Note also structure 20 of Briner et al.

Re claims 14 and 22, although Bonora et al do not disclose the container cover to include a protrusion into which a pin is inserted for unifying the cover with the door of the loader, it is disclosed that any known means for holding the doors together can be used, including latches, vacuum, or friction. The use of pins and corresponding holes to hold the cover and door together is therefore considered obvious. To have utilized a driving mechanism to simultaneously move two pins is simply a further design expediency. Note similar structure 32-33 of Briner et al.

Re claim 23, the use of an air cleaning device would have been an obvious and well known art design expediency to reduce contamination.

Re claim 29, note robot 152 in figs. 10-14 of Bonora et al for transferring the article.

5. Applicant's arguments with respect to claims 9 and 11-32 have been considered but are moot in view of the new ground(s) of rejection.

6. Claim 16 is objected to because of the following informalities: in line 3, --a-- should be inserted before "border". Appropriate correction is required.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Keenan whose telephone number is 703-308-2559. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on 703-308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James Keenan
Primary Examiner
Art Unit 3652

jwk
3/25/04